

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

J.W., a Minor, By and Through Her Parents and Next Friends DELONIA WILLIAMS and DULCE MENDEZ; DELONIA WILLIAMS; DULCE MENDEZ,	*
Plaintiffs,	
v.	*
	* Case No.: 4:22-cv-00251-O
THE UNITED STATES OF AMERICA; BAYLOR SCOTT & WHITE HEALTH; and HILLCREST BAPTIST MEDICAL CENTER D/B/A BAYLOR SCOTT & WHITE MEDICAL CENTER – HILLCREST,	*
Defendants.	
* * * * *	

**CONSENT MOTION TO TRANSFER TO THE
WACO DIVISION OF THE WESTERN DISTRICT OF TEXAS**

NOW COME the Parties, by and through their respective undersigned counsel of record, and hereby submit this Consent Motion to Transfer to the Waco Division of the Western District of Texas. In support thereof, the Parties respectfully state as follows:

1. This is an obstetrical malpractice action in which Plaintiffs have alleged that Defendants, United States of America, Baylor Scott & White Health, and Hillcrest Baptist Medical Center, acting by and through their respective agents, servants, or employees, deviated from the applicable standards of care during Plaintiff Dulce Mendez's March 28, 2020 labor and delivery at Baylor Scott & White Medical Center – Hillcrest. Plaintiffs have additionally alleged that the Defendants' individual and collective deviations from the standard of care caused minor Plaintiff

J.W. to suffer brain damage and neurological sequela from lack of blood and oxygen at or near the time of birth. The Defendants deny all allegations asserted by Plaintiffs.

2. On February 22, 2022, Plaintiffs initiated this action with the filing of their Complaint and Demand for Jury Trial in the United States District Court for the Northern District of Texas Dallas Division. On March 2, 2022, the Honorable Brantley Starr issued an electronic Order transferring this matter to the Fort Worth Division of the Northern District of Texas pursuant to 28 U.S.C. Sections 1402(a)(1) and 1404(a).

3. This matter was subsequently transferred to the Fort Worth Division of the Northern District of Texas on April 4, 2022.

4. Pursuant to 28 U.S.C. Section 1402(b), any civil action against the United States under the Federal Tort Claims Act, such as the instant case, “may be prosecuted only in the judicial district where the plaintiff resides or wherein the act or omission complained of occurred.” 28 U.S.C. § 1402(b); *see* 28 U.S.C. § 1346(b).

5. Counsel for the Parties have conferred and consent to the transfer of this matter to the Waco Division of the Western District of Texas as it is a proper venue to prosecute this case pursuant to 28 U.S.C. Section 1402(b).

WHEREFORE, the Parties request that this Honorable Court enter a Consent Order transferring this matter to the Waco Division of the Western District of Texas.

Respectfully submitted,

Rasansky Law Firm

/s/ *Jeffrey Rasansky*

Jeffrey Rasansky
State Bar No. 16551150
Jrasansky@jrlawfirm.com
2525 McKinnon Street, Suite 550
Dallas, TX 75201

The United States of America

/s/ *Tami C. Parker*

Tami C. Parker
Assistant United States Attorney
Burnett Plaza, Suite 1700
801 Cherry Street, Unit #4
Fort Worth, TX 76102

T: 214.651.6100
F: 214.651.6150

And

WAIS, VOGELSTEIN, FORMAN, KOCH
& NORMAN, LLC

tami.parker@usdoj.gov
T: 817.252.5230
F: 817.252.5458
*Attorneys for Defendant,
The United States of America*

Cooper & Scully, P.C.

/s/ Myles J. Poster

Keith D. Forman, *pro hac vice applied for*
Myles J. Poster, *admitted pro hac vice*
1829 Reisterstown Road, Suite 425
Baltimore, MD 21208
kdf@malpracticeteam.com
myles@malpracticeteam.com
T: 410.998.3600
F: 410.593.1642

Attorneys for Plaintiffs

/s/ Cory M. Sutker

John A. Scully
Cory M. Sutker
900 Jackson Street, Suite 900
Dallas, TX 75202
john.scully@cooperscully.com
cory.sutker@cooperscully.com
T: 214.712.9500
F: 214.712.9540
Attorneys for Defendants,
Baylor Scott & White Health and
Hillcrest Baptist Medical Center d/b/a
Baylor Scott & White Medical Center –
Hillcrest

CERTIFICATE OF SERVICE

I HEREBY CERTIFY this 12th day of April, 2022, that I electronically filed and served a true and correct copy of the foregoing using the Court's CM/ECF case filing system which will issue notification of filing and service to all counsel of record having previously entered their appearance in this case:

John A. Scully (john.scully@cooperscully.com)
Cory M. Sutker (cory.sutker@cooperscully.com)
Cooper & Scully, P.C.
900 Jackson Street, Suite 900
Dallas, TX 75202
T: 214.712.9500
F: 214.712.9540
Attorneys for Defendants,
Baylor Scott & White Health and
Hillcrest Baptist Medical Center d/b/a
Baylor Scott & White Medical Center – Hillcrest

Tami C. Parker (tami.parker@usdoj.gov)
Assistant United States Attorney
Burnett Plaza, Suite 1700
801 Cherry Street, Unit #4
Fort Worth, TX 76102
T: 817.252.5230
F: 817.252.5458
Attorneys for Defendant,
The United States of America

/s/ Myles J. Poster

Myles J. Poster